



City of Marietta

Meeting Minutes

COMMITTEE OF THE WHOLE

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Betty Lou Hunter, Ward 1
M. C. (Pete) Waldrep, Jr., Ward 2
John V. Sinclair, Ward 3
G. A. (Andy) Morris, Ward 4
Rev. Anthony Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, January 10, 2005

5:15 PM

4th Floor Conference Room

Presiding: William B. Dunaway

Present: Betty Lou Hunter, John Vincent Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

Absent: M. C. "Pete" Waldrep, Jr.

Also Present:

William F. Bruton, Jr., City Manager

Douglas R. Haynie, City Attorney

Shelia R. Hill, City Clerk

CALL TO ORDER:

MINUTES:

20041432 Regular Meeting - December 6, 2004

Review and approval of the December 6, 2004 regular meeting minutes.

A motion was made by Council member Sinclair, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

20041434 Executive Session - December 6, 2004

Review and approval of the December 6, 2004 Executive Session minutes.

A motion was made by Council member Sinclair, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

20041435 Executive Session - December 8, 2004

Review and approval of the December 8, 2004 Executive Session minutes.

A motion was made by Council member Sinclair, seconded by Council member Morris, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

BUSINESS:

20050023 BLW Report

Councilman Jim King reports on the BLW meeting of January 10, 2005.

Council member King reported on the actions of the Board of Lights and Water at their January 10, 2005 regular meeting. Finance Director Monte Vavra reported on the BLW finance statements. (See the January 10, 2005 regular Board of Lights and Water meeting minutes for details.)

This matter was Reported.

20040943 Request for Easement on City Park Property

Motion to approve a Revocable Easement Agreement to grant an easement within Whitaker Park to the Holcomb Lake neighborhood.

Parks and Recreation Director Rich Buss offered an update on the request from the Holcomb Lake neighborhood for a permanent easement in Whitaker Park for erecting a monument type street marker. Mr. Buss mentioned that City Attorney Douglas Haynie has reviewed the document; however, staff is waiting for clarification of which owner to list on the easement. Therefore, staff recommends that this matter be held until the next committee meeting.

Council member Goldstein directed staff to present the actual proposed easement when this matter comes back for approval.

This matter was Referred to the PARKS & RECREATION AND TOURISM COMMITTEE, due back on January 26, 2005. The motion carried.

20041082 October Regular Council Meeting Date Change Request

Consideration of changing the October 12, 2005, regular City Council meeting date due to the conflict with Erev Yom Kippur.

City Manager Bill Bruton mentioned that the City Council meeting scheduled for October 12, 2005, falls on a holiday and asked for suggestions to reschedule.

Discussion was held regarding the request.

Motion to approve changing the October 12, 2005, regular City Council meeting date to Tuesday, October 11, 2005, due to the conflict with Erev Yom Kippur.

A motion was made by Council member Goldstein, seconded by Council member King, that this matter be Recommended for Approval as Stipulated - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

**Recommended for Approval as Stipulated -
Consent Agenda**

20041451 Travel Expenses for GMA Board Meeting

Motion to approve the travel expenses for Councilman Philip M. Goldstein for the GMA Board of Directors meeting at Callaway Gardens.

A motion was made by Council member King, seconded by Council member Sinclair, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

20041456 Proposed Right of Way Purchase on Fairlane Drive

Request for authorization to advertise for a public hearing at the February 2005 City Council meeting in regards to a request to purchase right of way along Fairlane Drive.

Public Works Director Greg Teague presented an aerial map regarding the request to abandon right of way along Fairlane Drive. The Public Works Department has received this request from William C. Hagemann. If the request for closure and abandonment is granted, the applicant agrees to bear the cost of relocating the existing utilities and / or providing adequate utility easements. Mr. Hagemann also agrees to bear the cost of advertising for closure and abandonment of this right of way.

Discussion was held regarding the requirement of a cul-de-sac at the end of the street if the right of way was closed. If a cul-de-sac were not created, vehicles such as garbage trucks would need an area 40 feet long and 20 feet wide created in order to turn around safely. Mr. Hagemann stated that he would be able to create an area to accommodate the trucks. Another issue to consider would be future developments and whether they would be gated. City services such as fire trucks would need code access to the area. Mr. Teague was asked to work out the details with Mr. Hagemann before the public hearing is held.

Motion to authorize advertisement for a public hearing at the February 2005 City Council meeting in regards to a request to purchase right of way along Fairlane Drive.

A motion was made by Council member King, seconded by Council member Sinclair, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

20041458 Final approval of the Quitclaim deed for the former Campbell Hill Street

Motion to approve request for final approval of the quitclaim deed for the former right-of-way for Campbell Hill Street.

Discussion was held regarding the final approval of the quitclaim deed for the former Campbell Hill Street. The question still remains as to whom the deed

should be titled, Wellstar Health System, Inc., or Cobb County Kennestone Hospital Authority. It was the consensus of council to move this matter forward, with staff direction to obtain confirmation before the council meeting.

A motion was made by Council member Morris, seconded by Council member Sinclair, that this matter be Recommended for Council Agenda Non Consent. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Council Agenda Non Consent

20041482 Mayor's Day Conference Travel Expenses

Motion to approve travel & training expenses for Council members Betty Hunter and Philip M. Goldstein for the Mayors' Day Conference, January 22-24, 2005, at the Omni Hotel in Atlanta.

A motion was made by Council member King, seconded by Council member Sinclair, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

20050014 Proposed "No Parking" zone at 329 Atlanta Street

Consideration of a request for a "No Parking" zone at 329 Atlanta Street.

Greg Teague explained that the Public Works Department has received a request to designate the frontage of Atlanta Street across from 329 Atlanta Road as a "No Parking" Zone. The paved roadway at this location is approximately 20 feet in width which is not wide enough to provide two-way access if vehicles are parked along the shoulder.

A motion was made by Council member Sinclair, seconded by Council member King, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

Recommended for Approval - Consent Agenda

20050036 Extension of Remington Contract

Update on long-term lease negotiations and motion to extend the management contract for the Marietta Conference Center & Resort with Remington Hospitality until March 31, 2005.

City Attorney Douglas Haynie recommended approval of the Extension Management Contract with Remington Hospitality. Mr. Haynie mentioned that the actual contract should be received later this week.

Motion to extend the management contract for the Marietta Conference Center & Resort with Remington Hospitality until March 31, 2005.

A motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Recommended for Approval as Stipulated - Consent Agenda. The motion carried by the following vote:

Vote: 6 - 0 - 0

**Recommended for Approval as Stipulated -
Consent Agenda**

20050026 Draft Agenda

Review of the draft agenda for the January 12, 2005, Council Meeting.

The following amendments were made to the draft agenda:

- under Appointments: the Mayor's appointments for 2005 to remain the same as 2004 for the items noted on the agenda, and agenda item 20040464 was removed until otherwise directed.

- under Finance/Investment: agenda item 20050005 was added to the consent agenda for approval.

- under Public Works: agenda item 20041454 was added to the consent agenda as amended, "Motion to authorize staff to move forward with the installation of an Automated Traffic Enforcement System at the intersection of Allgood Road and Cobb Parkway." The motion was made by Council member Sinclair, seconded by Council member Morris, and carried unanimously to approved.

- under Other Business: The business license appeal hearings were combined for one 40-minute public hearing, and agenda item 20050017 was added to the consent agenda for approval.

This matter was Discussed.

20050021 Executive Session

Executive Session to discuss real estate, legal, and/or personnel matters.

The motion was made in open session by Council member Sinclair, seconded by Council member Goldstein, to enter an Executive Session to discuss legal and/or real estate matters. The motion carried by the following vote:

Vote: 6 - 0 - 0

Approved

For: Betty L. Hunter, M. C. "Pete" Waldrep, Jr., Johnny Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).

A motion was made in open session by Council member Goldstein, seconded by Council member Sinclair, to close the Executive Session. The motion carried by the following

Vote: 6 - 0 - 0

Approved

For: Betty L. Hunter, M. C. "Pete" Waldrep, Jr., Johnny Sinclair, G. A. "Andy" Morris, Rev. Anthony Coleman, James W. King and Philip M. Goldstein

20050044 Condemnation of property at 483 Frazier Street

Motion to approve the condemnation of property located at 483 Frasier Street

(16th District, Land Lot12870, Parcel 1110). The city attorney is hereby authorized to take any and all actions necessary to facilitate the condemnation.

This matter was placed on the consent agenda for approval, with an agenda notation showing Council members Coleman and King as voting against this matter.

A motion was made by Council member Goldstein, seconded by Council member Sinclair, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 4 - 2 - 0

Recommended for Approval - Consent Agenda

Vote Against: 2 - Rev. Anthony Coleman and James W. King

20050045 Condemnation of property at 497-499 Haley Street

Motion to approve the condemnation of property located at 497 and 499 Haley Street (16th District, Land Lot12870, Parcels 0930 and 0940). The city attorney is hereby authorized to take any and all actions necessary to facilitate the condemnation.

This matter was placed on the consent agenda for approval, with an agenda notation showing Council members Coleman and King as voting against this matter.

A motion was made by Council member Sinclair, seconded by Council member Hunter, that this matter be Recommended for Approval - Consent Agenda. The motion carried by the following vote:

Vote: 4 - 2 - 0

Recommended for Approval - Consent Agenda

Vote Against: 2 - Rev. Anthony Coleman and James W. King

OTHER BUISNESS:

City Manager Bill Bruton announced that the City of Marietta has received the first Georgia Municipal Association Trendsetter Award given by the Georgia Trend. The award will be given during lunch Monday 24, 2005 at the Mayor's Conference.

ADJOURNMENT:

The meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Shelia R. Hill, City Clerk

Approved: _____